

COUNCIL MEETING
MONDAY, JULY 16, 2018
COUNCIL CHAMBERS
www.lackawannany.gov

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Annette Iafallo presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Annette Iafallo.

Meeting called to order

NB: Meeting being recorded

Roll Call: Council: Present: Noman, Schultz, Leonard, Surdyke, Iafallo

Dept. Heads: Present: Law, Development, Comptroller, Public Safety, Recreation,
Public Works

Approval of Minutes: of regular meeting of June 18, 2018

Moved by Iafallo seconded by Surdyke to adopt minutes as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Departmental Reports:

1. **City Clerk-** Monthly Revenue Report for June 2018
2. **City Treasurer-** Total Receipts deposited into the general Fund for June 2018
3. **City Comptroller-** A/P Check Listing #51, June 14, 2018
4. **City Comptroller-** A/P Check Listing #52, June 21, 2018
5. **City Comptroller-** A/P Check Listing #53, June 27, 2018
6. **City Comptroller-** Revenue Report and Statement of Condition of Appropriations as of March 31, 2018
7. **City Comptroller-** Revenue Report and Statement of Condition of Appropriations as of April 30, 2018

Moved by Iafallo seconded by Noman receive and file departmental reports one thru seven

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Communications from the Council:

Order of Council Business-Amend

8. To: City Council

I requested the City Attorney prepare an ordinance to amend the format for the order of council business. Resolutions and Ordinances should follow the communication that is associated with said item.

ANNETTE IAFALLO-COUNCIL PRESIDENT

Move by Iafallo seconded by Surdyke receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

76 Holland-Request to Demolish

9. To: City Council

As you know, the City Assessor had received a purchase offer for the City owned property located at 76 Holland. When the offer came before the Council, the buyer decided to rescind his offer due to the condition of the building.

I requested that the Director of Development make arrangements to demolish the building. It is currently vacant and in deplorable condition.

Thank you in advance for your anticipated cooperation.

ABDULSALAM NOMAN-1ST WARD COUNCIL MEMBER

Moved by Iafallo seconded by Noman **TABLE** for more information

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Communications from Department/Division Heads:

Budget Transfers-Retirements

10. To: City Council

Please approve the attached budget transfers from fund balance to the Buildings Department and City Clerk's department to cover the unexpected retirements that were not budgeted for in the 2017-2018 City Budget.

CAROLYN A NICOMETO-CITY COMPROLLER

Moved by Iafallo seconded by Leonard receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Budget Transfer-Judgment and Claims

11. To: City Council

Please approve the attached budget transfer from fund balance for the Judgment and Claims account for the 2017-2018 City Budget.

CAROLYN A NICOMETO-COMTROLLER

Moved by Iafallo seconded by Leonard receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Standard Work Day Reporting

12. To: City Council

Attached for your review is the Standard Work Day Reporting Resolution for Elected and Appointed Officials (Form RS 2417-A). The form is utilized to establish the standard work day for each position within the City as required by the New York State and Local Retirement System.

(Form on file with the City Clerk)

CAROLYN A NICOMETO-CITY COMPROLLER

Moved by Iafallo seconded by Leonard to receive and file

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Inter-fund Advance-Paving Project

13. To: City Council

Please approve the inter-fund advance between the General Fund and the Capital Fund to pay for the Jackson Avenue, Madison Avenue and Elm Street paving project. The Capital Fund will repay the advance within the 2018-2019 fiscal year when the CDBG and CHIPS reimbursement is received.

If you have any questions please feel free to contact me.

CAROLYN A NICOMETO-CITY COMPTROLLER

Moved by Iafallo seconded by Noman receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

2017-2018 Budget Transfers

14. To: City Council

Please be advised, pursuant to Chapter 12.12 Subdivision (C)2 of the City Charter, after a review of the Office of Department of Administration and Finance, Office of the City Clerk, Department of Development, Department of Public Works, Department of Public Safety, and Department of Recreation, the attached lists of transfers were made to balance many of the 2017-2018 accounts.

(Complete list on file with City Clerk)

CAROLYN A NICOMETO-CITY COMPTROLLER

Moved by Iafallo seconded by Noman to receive and file

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Equity Assessment Program

15. To: City Council

My office is requesting the Lackawanna City Council authorize the City Clerk to advertise for a Request for Proposals for the City of Lackawanna Equity Assessment Program.

The purpose of the R.F.P. would be to provide an estimated cost for the project and a time frame in which the program can be completed.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Iafallo seconded by Schultz, approve request, direct City Clerk to advertise for bids

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

B.E.N.L.I.C. Property Acquisition and Distribution Policy

16. This letter shall serve to confirm that the City of Lackawanna is adopting the attached Property Tax and Maintenance/Foreclosure Proceeds Distribution Policy for 2018/2019 with the Buffalo Erie Niagara Land Improvement Corporation. This policy will only effect properties acquired from the City of Lackawanna through foreclosure.

The policy is the same as other City agreements with BENLIC for property acquisition in order to rehabilitate and return properties to the tax rolls. Rehabilitation would be completed by BENLIC and not City Tax Dollars. I would therefore encourage the City Council to pass the attached Policy for the upcoming fiscal year.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Iafallo seconded by Leonard approve request

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Purchase Offer-Alliance Drive

17. To: City Council

My office has received an offer from Fulvio Stampone in the amount of \$40,000 to purchase the vacant parcel on Alliance Drive, for the purpose developing the site into storage/warehouse facility. The land is approximately 4.8 Acres and is properly zoned for this type of development.

Therefore, it is my recommendation that the City Council **approve** the sale of Alliance Drive to Fulvio Stampone in the amount of \$40,000, with a standard reverter clause.

For further information, please contact the Assessor's Office.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Iafallo seconded by Noman receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

2017-18 Budget Amendment-Revitalization Initiative

18. To: City Council

As most of you are aware, in October 2017 the City of Lackawanna received a grant in the amount of \$2.5 million from the State's Buffalo Billion II Downtown Revitalization Initiative Smart Growth Fund for improvements to our central business district corridor. The initial grant allocation is for \$2,061,242 and in order for the City to access this money, your Honorable Body must approve using \$21,485.75 from the Fund Balance to subsidize the 1% grant commitment fee and an additional \$873.75 for reimbursement of out-of-pocket public hearing related expenses. The approved projects that will be funded through this allocation includes road infrastructure improvements at the intersections of both Ridge Road and South Park Avenue and Ridge Road and Electric Avenue, an upgraded pathway between the Botanical Gardens and Our Lady Victory Basilica and improvements made at Memorial Field to erect a pavilion over a part of the parking lot to establish a City Farmers Market on Wednesday or Thursday and Sunday beginning around Easter to the end of October, create food truck Friday's plus beautifying the passive spectator areas around the back of the softball fence with updated landscaping picnic tables and possibly grills for families to bring their own charcoal and food to make dinner while watching league games.

I am respectfully and humbly requesting that your Honorable Body approve the use of \$21,485.75 from the City's Fund Balance to meet our financial obligation to receive over \$2 million from the State. Thank you in advance for your assistance and cooperation on the matter.

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Moved by Iafallo seconded by Surdyke receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Parks and Recreation Grant

19. To: City Council

Please add the attached resolution to the agenda at the July 16th Council meeting. It is in regards to the Parks and Recreation grant for the Veterans Park Pavilion and recreation trail (labeled "Veteran's Stadium Rehabilitation Project").

RIC ZYBERT-DIRECTOR of RECREATION

Moved by Iafallo seconded by Surdyke receive and file, act on resolution

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Amending Chapter 159, Noise

20. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you.

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Iafallo seconded by Leonard receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Communications from Citizens:

Use of Veterans Stadium-Flag Football

21. To: City Council

First we would like to thank you for the opportunity to review our request. We at LA Sports Club would like to request that we have access to Veterans Memorial Stadium for 3 additional weeks for our Flag Football Showcase to cover our rain out games. We will like to request the field until August 18th from the times of 9am-1pm. This extension will cover the weeks off we have because of rain, the 4th of July holiday, and the "Lackawanna Festival".

Attached to this letter is a copy of our current insurance policy that covers the City of Lackawanna. We think this is a great idea for the kids and we would love for the field to be available to us. Thank you for your time in advance we look forward to working together for the kids.

DARRELL GLOVER JR.-PRESIDENT-LA SPORTS CLUB

Moved by Iafallo seconded by Leonard approve request, refer to Director of Recreation to coordinate with all parties

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Commissioner of Deeds-Petrik-Huben

22. To: City Council

Please put this matter on your agenda at the next Council Meeting. I request a Commissioner of Deeds appointment for Diane T. Petrik-Huben, an employee of my firm, residing at 4160 Thornwood Lane, Williamsville, New York 14221.

Thank you for your assistance in this matter.

ARC J PETRICCA-ATTORNEY & COUNSELOR AT LAW

Moved by Iafallo seconded by Noman to approve commissioner of deeds status

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Resolutions:

(1) Resolution #18, 2018-NYS Office of Parks, Recreation & Historic Preservation Fund Application

WHEREAS, the Veteran's Stadium was originally developed in the 1950's; and

WHEREAS, the facilities at Veterans Stadium are suffering from crowding and over use;

WHEREAS, the park has seen extensive use by Lackawanna residents, as well as visitors from throughout Western New York;

WHEREAS, the existing facilities at Veterans Stadium have utilized beyond their useful life;

WHEREAS, the demand for a synthetic year-round skating rink, paved, multi-use trail with fitness equipment, and a large covered pavilion will be constructed to achieve the maximum benefit for all City residents and park users;

WHEREAS, there are no similar facilities within ten miles of this park;

NOW, THEREFORE BE IT RESOLVED THAT, the City of Lackawanna is applying for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) under Title 9 of the Environmental Protection Act of 1993 for the purpose of funding the Veterans Stadium Rehabilitation Project;

NOW BE IT FURTHER RESOLVED, that Connie D. Minor & Co. Grant Consultants, the City’s grants consultants, be authorized and directed to complete the necessary application, forms, and attachments to be submitted through the New York State Consolidated Funding Application for the purpose of securing this grant; and

AND BE IT FURTHER RESOLVED that Geoffrey Szymanski, City of Lackawanna Mayor, is hereby authorized and directed to sign an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions to Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$470,000, with City ,matching funds of \$155,149 in the form of cash, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Lackawanna for Veterans Stadium Rehabilitation Project.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Surdyke adopt resolution as written
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Ordinances:

(1) Amend Chapter 5-22-Order of Business

AN ORDINANCE AMENDING CHAPTER 5, ADMINISTRATION OF GOVERNMENT OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 5-22, (5) (6) (7) (9) (10) (11) AND (12) are rescinded and replaced as follows:

5-22. Order of Business

5. Communications from the Mayor, and introduction and adoption of resolutions, ordinances and local laws related to said communication
6. Communications from the Council, and introduction and adoption of resolutions, ordinances and local laws related to said communications
7. Communications from department/division heads, and adoption of resolutions, ordinances and local laws related to said communication

9. Tabled Items

10. Adjournment

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Surdyke adopt ordinance as written
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

(2) Amend Budget-Buildings-Personal Services

AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 7, 2017

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to increase appropriations for Buildings-Personal Services, increase appropriations for Social Security and decrease appropriations for Fund Balance.

SECTION 2. That the 2017-2018 Budget Ordinance is hereby amended to increase by \$23,000.00 budget code A.1620.101 Buildings-Personal Services.

SECTION 3. That the 2017-2018 Budget Ordinance is hereby amended to increase by \$1,725.00 budget code A.9000.9030 Employee Benefits-Social Security.

SECTION 4. That the 2017-2018 Budget Ordinance is hereby amended to decrease by \$24,725.00 Fund Balance.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Noman adopt ordinance as written
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

(3) Amend Budget-Clerk's Office-Personal Services

AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 7, 2017

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to increase appropriations for City Clerk-Personal Services, increase appropriations for Social Security and decrease appropriations for Fund Balance.

SECTION 2. That the 2017-2018 Budget Ordinance is hereby amended to increase by \$20,450.00 budget code A.1410.101 City Clerk-Personal Services

SECTION 3. That the 2017-2018 Budget Ordinance is hereby amended to increase by \$1,530.00 budget code A.9000.9030 Employee Benefits-Social Security.

SECTION 4. That the 2017-2018 Budget Ordinance is hereby amended to decrease by \$21,980.00 Fund Balance.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Noman adopt ordinance as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

(4) Amend Budget-Special Items-Judgment & Claims

AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 7, 2017

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to increase appropriations for Judgment and Claims and decrease appropriations for Fund Balance.

SECTION 2. That the 2017-2018 Budget Ordinance is hereby amended to increase by \$12,500.00 budget code A.1900.1930 Special Items-Judgment and Claims.

SECTION 3. That the 2017-2018 Budget Ordinance is hereby amended to decrease by \$12,500.00 Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Noman adopt ordinance as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

(5) Budget Transfer-Paving Project

AN ORDINANCE AUTHORIZING AN INTER-FUND ADVANCE BETWEEN THE GENERAL FUND AND THE CAPITAL FUND

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the General Fund will advance \$200,000.00 to the Capital Fund for the paving project for Jackson Avenue, Madison Avenue and Elm Street

SECTION 2. That the Capital Fund will repay the advance within the 2018-2019 fiscal year when the CDBG and CHIPS reimbursement is received

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Noman to adopt ordinance as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

(6) Amend Budget-Development Grant Matches

AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 7, 2017

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to increase appropriations for Development-Grant Matches and decrease appropriations for Fund Balance

SECTION 2. That the 2017-2018 Budget Ordinance is hereby amended to increase by \$21,485.75 budget code A.3620.444 Development-Grant Matches.

SECTION 3. That the 2017-2018 Budget Ordinance is hereby amended to decrease by \$21,485.75 Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Surdyke adopt ordinance as written
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

(7) Sale of Property-Alliance Drive

AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE CHAPTER 12

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the City Council hereby approves of the transfer of the property known as SBL 141.20-1-12.1 (Alliance Drive) parcel of approximately 4.8 Acres in size, to Fulvio Stampone

SECTION 2. That transfer is made for the sum of \$40,000 in cash to the City of Lackawanna

SECTION 3. That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna

SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property including a reverter clause for phase one work to be completed within one year

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Noman to adopt ordinance as written
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

(8) Amend Chapter 159-Noise

AN ORDINANCE AMENDING CHAPTER 159, NOISE, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 159-

5, is amended by adding the following:

159-5 P.

3. The restrictions set forth in this section shall not apply to the Bethlehem Redevelopment Area (BRA)

159-5 Q. It shall be unlawful for any person to operate or permit to be operated any stationary noise source in the Bethlehem Redevelopment Area in such a manner as to create a sound pressure level in dBA's which exceeds the limits set forth below when measured at the property boundary.

Sound Source Land Use Category	Maximum Permissible Sound Level dBA's by Receiving Land Use
Medium Industrial Classification	95
Heavy Industrial Classification	110

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Noman to adopt ordinance as written
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo Carried 5-0

Tabled Items:

Moved by Iafallo seconded by Surdyke to remove from table the Business Registration from the regular meeting of 6/18/18
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo Carried 5-0

Ryan Acanfora-dba Lake Erie Arms-Sporting Goods-96 Brinker Road

Moved by Iafallo seconded by Surdyke to approve business registration
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo Carried 5-0

Waive Rules:

Moved by Iafallo seconded by Leonard to waive rules
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo Carried 5-0

Entertainment License:

Bill Napierski-204 Millhurst-private party-August 18, 2018 from 4 PM till 11 PM

Moved by Iafallo seconded by Leonard to approve live music for private party

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Award Bid-Paving Project-Bethlehem Park

I am requesting that the City Council award Occhino Construction the paving project for Jackson, Elm and Madison. The cost of the project is \$134,159.13.

ANTHONY DESANTIS-COMMISSIONER of PUBLIC WORKS

Moved by Iafallo seconded by Noman award bid to Occhino Construction

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Adjournment:

Moved by Iafallo seconded by Leonard meeting adjourned

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Annette Iafallo-Council President

Jeffrey P. DePasquale, City Clerk